PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 021756-002100US	

hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on _____8/13/09_____. TOWNSEND and TOWNSEND and CREW LLP By:_____/Linda Shaffer/_____ 　　　　　　　Linda Shaffer	Application Number 10/731,604	Filed December 8, 2003
	First Named Inventor Karimisetty, Srikanth	
	Art Unit 2168	Examiner Jay A. Morrison

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
　　　　Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
　　See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
　　(Form PTO/SB/96)

☒ attorney or agent of record.
　　Registration number　53,437

☐ attorney or agent acting under 37 CFR 1.34.

　　Registration number if acting under 37 CFR 1.34. _____

/Sean F. Parmenter, Reg. No. 53,437/
_____
Signature

Sean F. Parmenter, Reg. No. 53,437
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Typed or printed name

925-472-5000
_____
Telephone number

8/13/09
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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TOWNSEND and TOWNSEND and CREW LLP

By:_____/Linda Shaffer/_____
        Linda Shaffer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 4746
Srikanth Karimisetty et al.	Examiner: Jay A. Morrison
Application No.: 10/731,604	Art Unit: 2168
Filed: December 8, 2003	STATEMENT OF REASONS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW
For: METHOD AND SYSTEM FOR CREATING QUERIES THAT OPERATE ON UNSTRUCTURED DATA STORED IN A DATABASE	

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

        Further to the Notice of Appeal and the Pre-Appeal Brief Request for Review, both of which are submitted herewith for the above-referenced Application, Appellants respectfully submit the following arguments in support of the Pre-Appeal Brief Request for Review.

        As set forth in detail below, the Examiner has omitted one or more essential elements needed for a prima facie rejection of obviousness. This deficiency is readily apparent, and thus, Applicants request withdrawal of the following rejections. Pending claims 1-3, 5, 11-12, 14, 16, 17, 19, and 20 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over non-patent literature entitled "Integrating XML and Database" by Bertino et al. (hereinafter "Bertino"), in view of U.S. Patent Application Publication No. 2005/0091188 (hereinafter "Pal"), and in further view of non-patent literature entitled "NoDoSE" by Adelberg (hereinafter

"Adelberg"). Claims 6-7, 15 ,and 20 stand finally rejected under 35 U.S.C. § 103(a) as being

unpatentable over Bertino, in view of Pal, and in further view of Adelberg and U.S. Patent No.

7,346,598 (hereinafter "Arora"). Claims 9 and 10 stand finally rejected under 35 U.S.C. § 103(a)

as being unpatentable over Bertino, in view of Pal, and in further view of Adelberg and Arora.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable Bertino, in view of Pal,

and in further view of Adelberg and U.S. Patent No. 6,856,970 (hereinafter "Campbell").

      In rejecting claim 1, the Examiner acknowledges that the combination of Bertino

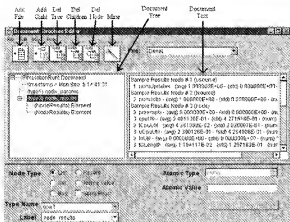and Pal fails to disclose or suggest the feature recited in claim 1 of:

> generating a first graphical user interface and displaying the first graphical user
> interface on a display device, the first graphical user interface configured to enable users
> to designate elements in the unstructured data as query elements; and
>   receiving user input via the first graphical user interface identifying one or more
> elements in the unstructured data stored in CLOB format as query elements;

      In essence, unstructured data takes the form of e-mails, documents, and other data

that cannot be neatly stored in a database. For example, an e-mail contains relevant portions,

such as sender ID, recipient ID, subject, and body that are often difficult to separate out in their

native due to how the e-mails may be formatted. Thus, when storing unstructured data in a

database, the entire e-mail may be stored in CLOB format in the database. Even XML

documents, that may appear structured internally, are considered unstructured data, and therefore

stored in CLOB format in the database. Features recited in claim 1 a user to search not only a

database, but within unstructured data stored in the database, by allowing the user to designate

elements or portions in the unstructured data as query elements. Because native indexing cannot

be used on CLOB fields to get to information in the unstructured data, as recited, an intermediate

index is generated between each user created query element and its corresponding element

designated by the user in the unstructured data. As recited, the index allows queries against the

unstructured data to be translated from their query elements (e.g., those created by the user) into

the elements or portions in the unstructured data that where designed by the user and information

this obtained from the unstructured data.

      The Examiner applies the new reference Adelberg attempting to cure the

acknowledged deficiencies of Bertino and Pal. However, the Examiner errors in concluding that

the act of decomposing a document as in Adelberg is the same as allowing a user to create

queries on unstructured data by designating elements in the data as query elements as recited in

claim 1. Adelberg may allow a user to create elements in unstructured data that where not

identifiable beforehand, but Adelberg fails to allow the user to designate any elements as query
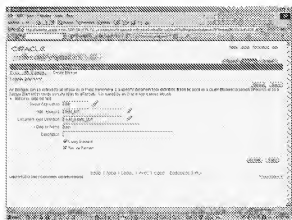
elements.

            In particular, Adelberg discloses a graphical user interface that enables a user to

simply decompose a document. Decomposing the document means that the user selects a

relevant section or portion of the document and

maps the portion of data to one or more

elements of a data model. As can be see at the

left, FIG. 4 of the GUI in Adelberg allows the

user to add/delete nodes or elements in a data

model and indicate to which portion of raw data

an element refers. Thus, Adelberg merely

allows a user to create a structure for otherwise

unstructured data using the GUI.

            However, Adelberg does not disclose that the GUI can also be used to designate

elements in the unstructured data (or elements of the newly created data model) as query

elements as recited in claim 1. Nowhere in the GUI does Adelberg allow the user to designate a

node as a query element as recited in claim 1. Adelberg merely is concerned with how to

develop a structure from the unstructured data that allows the unstructured data to be extracted in

a meaning full way, such as into formatted text files or loaded into a database. In fact, Adelberg

states on page 6, section 2.3, line 4 that the intent is not "to replace the <u>querying</u> and reporting

functions of a DBMS [database management system] but to <u>provide a quick means of writing</u>

<u>simply files, such as comma or tab delimited tabular data for input into spreadsheets and the</u>

<u>like.</u>" (Emphasis added). Thus, Adelberg is just one mechanisms by which unstructured data

can be decomposed. As discussed above, some forms of unstructured data (e.g., XML files) may

be accompanied with DTD files that provide the XML file structure. Yet, claim 1 goes beyond

Adelberg's disclosure of merely finding the elements <u>in</u> the unstructured data, but allowing a

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user to designate which of those elements can be used in queries as query elements and providing a mechanism the translates user-created query elements into the referenced portions of the unstructured data as recited in claim 1. FIG. 16 (at left) of the Applicants illustrates this difference where an XML element can be designated as a "query element" or "security element." Adelberg fails to disclose or suggest such a feature.

Therefore, the Examiner fails to establish at least one element of a prima facie case of obviousness because the combination of Bertino, Pal, and Adelberg fail to disclose or suggest the feature recited in claim 1 of "generating a first graphical user interface and displaying the first graphical user interface on a display device, the first graphical user interface configured to enable users to designate elements in the unstructured data as query elements" and "receiving user input via the first graphical user interface identifying one or more elements in the unstructured data stored in CLOB format as query elements."

Applicants respectfully submit that none of the other recited references disclose this feature where a user can create queries on unstructured data by designating elements in the unstructured data as query elements as recited in claim 1.

Applicants respectfully submit that the remaining independent claims are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants respectfully submit that the dependent claims that depend directly and/or indirectly from the independent claims, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully

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submit that the dependent claims recite additional features that make the dependent claims

allowable for additional reasons.

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Respectfully submitted,

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